

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

POOR QUALITY ORIGINAL

F I L E D  
MAR 19 2025  
CLERK'S OFFICE  
DETROIT

DERRICK LEE CARDELLO-SMITH,

Plaintiff,

Case No 24-12647

Vs

Hon. Judith E. Levy  
United States District Judge

SEAN COMBS, a/k/a/ P. Diddy,

Defendant,

MOTION TO VACATE ORDER OF DISMISSAL WITH PREJUDICE  
UNDER FEDERAL RULES OF CIVIL PROCEDURE 60(2)(3)(4)  
BASED UPON FRAUDULENT CONCEALMENT CONDUCTED BY THE DEFENDANTS STAFF  
AND EMPLOYEES AS VERIFIED IN THE SUPPORTING AFFIDAVITS  
OF DEFENDANT SEAN COMBS EMPLOYEES ATTESTING TO FRAUDULENT ACTS

Now comes the Plaintiff, Derrick Lee Cardello-Smith, under FRCP 60 (b)(2)(3)(4) and moves this Court to enter an order to VACATE THE ORDER OF DISMISSAL WITHOUT PREJUDICE and Allow this matter to Proceed to Jury Trial and Grant Judgement in Favor of the Plaintiff where there Plaintiff can prove the Defendants Committed Fraud upon this Court, and the Plaintiffs was given Newly Discovered Evidence that was not available at any time during these proceedings, requiring full reversal of this Courts Decisions entered on the record and Prior to the Filing of the Appeal that this Plaintiff is clearly taking to the US Court of Appeals for the Sixth Circuit.

1. Court has has Fraud Committed upon it by the defendants, requiring relief from judgement under rule 60 because the judgment is void and the evidence could not have been reasonably discovered through due diligence by this Plaintiff other then the time it was presented to the Plaintiff, as follows:

1. Detroit Police Officer Nicole Rabior has Authored and Notarized an Affidavit stating that She worked for Sean Combs, and knew about the Defendants Rape of this Plaintiff and the Forcing of This Plaintiff to be Placed in prison to cover up his criminal activity (See Attached Affidavit of Nicole Rabior

2. Andrea Bommarito, Admits to working for Sean Combs, to frame and lie about Kidnapping and rape Charges against this Plaintiff, as proven by her Affidavit (See Attached.)

3 The Affidavit of Suzette Samuels, Assistant Wayne County Prosecutor has admitted to "Working to Cover up the Rape of this Plaintiff by Defendant Sean Combs, and Framed This Plaintiff-See Affidavit of Suzette Samuels #6).

4. Plaintiff has since been provided with New Proof of Fraudulent Concealment Conducted by the Defendant through the Detroit Police Department, Wayne County Prosecutors Office and Most Assuredly, the Affidavits of the Assistant Wayne County Prosecutor Suzette Samuels verifying her role in the Fraudulent Concealment, requiring the Court Waive the Statute of Limitations

5. Plaintiffs Submits Affidavits verifying that the Defendant worked and ordered her and her associates to Conceal the Evidence of the Crime being committed against this Plaintiff pertaining to the Sexual Assault of the Plaintiff by the Defendant and even more horrific actions done to conceal the truth.

Plaintiff will also be submitting a Rule 60b Motion through this filing for Full Decision by the Trial Court based on the

evidence and factors contained within it in the interest of the District Court fully deciding all the factual motions and evidence that this Plaintiff is presenting prior to the Court of Appeals Obtaining Full Jurisdiction over the Case.

Plaintiff States that the Court must address this serious issue before the Plaintiff goes to the Court of Appeals and As such, plaintiff requests that this Court and the Office of the Clerk Decide this Motion that is not frivolous and is a rightful motion filed by plaintiff on the Process in this Matter as allowed by the Federal Rules of Appellate Procedure.

7. These Affidavits are the Plaintiffs Offers of Proof that Support this Plaintiffs' claims that the Affiants have all worked for and with Defendant and worked for Defendant Sean Combs to Cover up the Sexual Assaulot of this Plaintiff by the Defendant in 1997 and have come forward to state that they have in fact done, their actions and have bravely come to the front to state what they have done and why theyu have done it, and it was all to Cover up the Sexual Assault Committed upon this Plaintiff by the Defendant.

Plaintiff states that these actions are in fact acts committed by the Defendant and were not part of the Defendants Motion to Dismiss because it would have destroyed their case and their claims that their client did not rape this plaintiff, and in fact, it supports the Plaintiffs claims of Sexual Assault by the defendant and it verifies clearly that this Plaintiff has told the truth and will always tell the truth and that the claims raised by the Plaintiff have alway sbeen true and are true and accurate and real.

Plaintiff therefore asks that this Court grant Relief from Judgment of the Order Granting the Defendants Motion to Dismiss and Grant any to resolve this matter prior to the Plaintiff going to the US Court of Appeals, as all motions must be

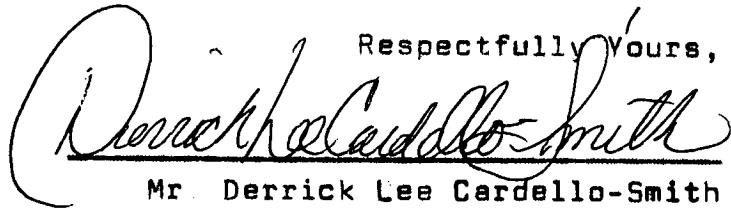
resolved before the Court of Appeals can have full reviewing authority.

RELIEF SOUGHT

Wherefore, Plaintiff prays this Court will enter an order to Grant the Motion to vacate the Courts order granting the Motion to Dismiss and Allow these matters to be entered into the record and Grant full relief sought in this case and entry of judgment in favor of the Plaintiff, and any further relief it deems necessary and appropriate.

March 13 2025

Respectfully Yours,



Derrick Lee Cardello-Smith  
Mr. Derrick Lee Cardello-Smith

#267009

Plaintiff in Pro Per  
Ionia Bellamy Creek Correctional Facility  
1727 W. Bluewater Highway  
1727 W. Bluewater Highway  
Ionia, MI 48846

**OFFER OF PROOF #1, #2, #3**

# AFFIDAVIT

## OFFER OF PROOF #1

State of Michigan)  
)ss.  
County of Wayne)

My name is Nicole Rabior, I am the Officer who authored the Police Report in the City of Detroit on January 13, 2008 against Derrick Lee Cardello-Smith Current Prisoner with the Michigan Department of Corrections obtained through a Conviction that was a result of my Investigator's Report and I state the following information and facts herein are true, accurate and real and I have been deposed do swear and say:

1. The Police Report I submitted against Derrick Lee Cardello-Smith for Kidnapping and Sexual Assault of Tina Bommarito is False.
2. The Police Report I submitted against Derrick Lee Cardello-Smith for Kidnapping and Sexual Assault of Andrea Bommarito is False.
3. I was ordered to make the False Police Report against Mr. Cardello-Smith by the Persons of Sean John Combs (P. Diddy), Kym L. Worthy, Wayne County Prosecutor, Suzette Samuels, Assistant Wayne County Prosecutor, Jose Ortiz, Detective, Detroit Police Department.
4. I was also Paid a Total of \$132,000.00 Cash by Sean John Combs in to Issue the False Police Report of Kidnapping and Sexual Assault against the Person of Derrick Lee Cardello-Smith, #267009.
5. My Families Lives and my Life had been threatened by this Man and the only way to save them was to go through with the Police Report I filed in this case and even though I knew it was a betrayal of my badge and my oath as a police officer, I followed through with these actions as that I had no other choice.
6. My Commanding Officer on the Noth-Eastern District 5 had me go through with this action as I have done in many many other cases before and as I will also do and have to do continuously.
7. Derrick Cardello-Smith never Kidnapped anyone nor did he ever Sexually Assault anyone and he was the victim that evening.
8. The Arrest warrant was paid for by me and others directly to the Magistrate Judge of the 36th District Court in and he was paid a total of \$5,000.00 for signing the warrant as he has been in many many cases and as he works for Sean Combs, I was connected to him and forced to pay him and I paid him the money for these warrants that I knew were false and he knew were false and especially in Derrick's case, all charges were false.
9. I was present when Patricia Penman, Detective with Wayne County and Dearborn Police Department paid Mr. Vincent Smothers (Contract Killer and Hitman) Money to Kill Mr. Derrick Lee Cardello-Smith and when Mr. Vincent Smothers took the money to Kill David Cobbs Wife Rose Cobb the Day after Christmas, 2007.
10. I was present when Patricia Penman Paid Carli Carpenter, \$4,500.00 to Place False Rape Charges on Derrick Lee Cardello-Smith.
11. I lied under Oath to the Magistrate of the 36th District Court while present with Sgt. Ortiz to obtain the Arrest Warrent for Derrick Lee Cardello-Smith and I violated his Due Process Rights that he is affordered by the Constitution of the State of Michigan.
12. I also lied under Oath in the Wayne County Circuit Court in the Criminal Case of People v. Derrick Lee Cardello-Smith Case # 2008-008639-01-FC.

I make this affidavit freely, voluntarily and with full knowledge that I will have to testify to these facts and I will testify to them in a State or Federal Court, Civil or Criminal, Because my actions while working as a Police Officer have resulted in an innocent me being held illegally, and that man is Derrick Lee Cardello-Smith #267009.

/s/Attiant Nicole Rabior

Sworn to and subscribed before me, this the: 5TH of March 2025

Marcus Ashford  
Notary Public  
Wayne County, Michigan

Marcus Ashford  
Marcus Ashford  
Notary Public-State of Michigan  
County of Wayne  
My Commission Expires June 8, 2029  
Acting in the County of Wayne

## AFFIDAVIT

THE STATE OF MICHIGAN )

COUNTY OF OAKLAND )

BEFORE ME, the undersigned authority in and for

Said County, State of Michigan, this day personally came and appeared \_\_\_\_\_

SUZETTE SAMUELS P51796 -Assistant Wayne County Prosecutor

to me well known, and who, after being by me duly sworn, did depose and say

My name is Suzette Samuels. Bar # P51796. I am a Lawyer and Assistant Prosecuting Attorney for the Wayne County Prosecutors Office in Detroit, Michigan, County of Wayne, State of Michigan.

I prosecuted Mr. Derrick Lee Cardello-Smith in the Criminal Case of People of the State of Michigan v. Derrick Lee Cardello-Smith Case No 2008-008639-01-FC during the criminal proceedings of January 1, 2008 through October 31, 2008.

I worked directly for the Immediate Persons of Kym L. Worthy, Wayne County Prosecutor, and for Mr. Sean John Combs, a/k/a/ P. Diddy, a/k/a/ Puff Daddy and Brother Love, Owner and Founder of Bad Boy Records.

1. The Office of the Wayne County Prosecutor has framed Mr. Derrick Lee Cardello-Smith for the Crimes of Criminal Sexual Conduct beginning in 1997, in 2008 and again in 2019 while he was incarcerated.

2. The Person who directed these Prosecutions were and still are, Mr. Sean John Combs, Musician, Music Magul, Artist, Owner and Founder of Bad Boy Records and Kym L. Worthy, Current Wayne County Prosecutor.

3. Mr. Sean Combs and Kym L. Worthy ordered the Detroit Police Department's 9th Precinct (Northeastern District) to Arrest, and Frame Derrick Lee Cardello-Smith for Multiple Rapes that he did not commit.

4. Mr. Sean John Combs and Kym L. Worthy directed me to use my Powers and Office as the Assistant Wayne County Prosecutor, to Falsely 'Charge' and 'Convict' Mr. Derrick Lee Cardello-Smith with 6 Counts of Criminal Sexual Conduct and 2 Counts of Kidnapping, which I did out of fear of my life and which I did because I was paid to do so, in this and many other cases, totalling 128 Black Male citizens

Further affiant sayeth not.

/s/Affiant

Suzette Samuels P51796EXHIBIT  
#1Sworn to and subscribed before me, this the 10th day of February, 2025EXHIBIT  
#1 Notary PublicOaklandCounty, MichiganRECEIVED MI COA-LAN  
FEB 20 '25 AM 11:02

of Detroit, Saginaw, Flint and other Counties of Michigan that were investors in Bad Boy Records prior to 1997.

5. Mr. Combs Ordered Kym L. Worthy, to Prosecute Cardello-Smith for the Crimes and to keep him in prison for these crimes, after Mr. Combs had taken a \$150,000.00 investment from Cardello-Smith in early January 1997 and Mr. Cardello-Smith demanded a Notarized receipt with 'Mr. Marcus Ashford' overseeing the Notary Services.

6. Mr. Combs and my Boss Kym Worthy have framed Cardello-Smith to cover up the Rape of Cardello-Smith by Mr. Combs in 1997, and while Cardello-Smith was serving as Mr. Combs Bartender throughout 1996 and 1997.

7. Mr. Combs Sent 3 men to kill Cardello-Smith in 1997 while he and a female companion were exiting a Detroit Movie Theatre Cardello-Smith Was stabbed in his right Arm while defending himself and killed the Knife-wielding assailant.

8. Mr. Cardello-Smith was placed under arrest for Second-Degree Murder, this murder was then hidden and it led to Cardello-Smith being sent to prison for Multiple Counts of Criminal Sexual Conduct. Crimes of which he is innocent of.

9. I worked with the 1997 Assistant Prosecutor, under Michael Duggan, and then Judge Kym L. Worthy, Mr. Michael Duggan, current Detroit Mayor, and other officials to cover up the crime, and I played a key role with Detroit Police Officers, Mr. Sean John Combs (Biddy) who was Personally involved, and other members of Wayne County, and current High-ranking Wayne County Government Officials to Hide the Homicide and to Unlawfully place Cardello-Smith in the Custody of the Michigan Department of Corrections for crimes of Sexual Misconduct (Rape) and Kidnapping, all of which he is innocent of.

10. Mr. Sean Combs was always personally involved and directed these meetings, in order to cover up the rape he Committed upon Cardello-Smith, and to ensure that Cardello-Smith never collected on his rightful claim to 49% (Forty-nine Percent of Bad Boy Records and holdings) based upon his lead role in the investments of money into bad boy records in 1997.

Mr. Sean Combs, and Kym L. Worthy both paid Cash directly to Mr. Vincent Smother, a Contract Killer, Patricia Penman, Detective in Detroit and Dearborn, Michigan, David Cobb, Detroit Police Department Sergeant (deceased), Carli Carpenter, Tina Sommarito, Andrea Sommarito, and others to Kidnap, and attempt to Kill, Mr. Derrick Lee Cardello-Smith in 2008, only to fail, and then decided to use the same people, to frame Cardello-Smith for Rapes that he did not do.

12. Carli Carpenter, Sisters Tina and Andrea Sommarito are Sexual Assault and Sexual Slavery Victims of Mr. Sean Combs, Wayne County Officials, Kym L. Worthy and Part of a Crime Ring and Criminal enterprise throughout the State of Michigan.

13. I paid \$5,000.00 to a 36th District Court judge to Secure an Arrest warrant for Cardello-Smith in January 2008.

14. I paid \$5,000.00 to Judge Willie Lipecomb, 36th District Court Detroit Judge to Falsely determine that there was enough evidence to make Cardello-Smith Stand Trial in the Wayne County Circuit Court at the Probable Cause Conference Hearing and he was therefore Bound Over for Trial.

I paid \$10,000.00 to Judge Daniel P. Ryan, 3rd Circuit Court Judge of Wayne County to Grant all of my motions in Circuit Court and secure a Conviction of Cardello-Smith by way of Denying every motion that Cardello-Smith was entitled to be given, resulting in his plea of No Contest.

15. I paid \$4,300.00 to Judge Thomas Cameron of 3rd Circuit Court to Deny Cardello-Smith's Post-Conviction motions, even though he was entitled to the relief he was entitled to, and they were denied.

16. I paid Judge Bridget Mary Mathaway, Third Circuit Court Judge of of Wayne

County, \$23,000.00 dollars from January 2019 throughout February 1, 2025 to Deny all of Cardello-Smith's rightful motions that he was entitled to be granted.

16. I performed the transactions of these monetary handovers on the orders of Kym L. Worthy and Sean John Combs and I complied fully with these orders of the 2 persons named because they have their hands deep into the elected and appointed workers in the County of Wayne, city of Detroit and other areas of Michigan.

18. Mr. Cobb committed Suicide in 2008 when Cardello-Smith was going to call him as a witness in his criminal case at trial, but it was not Suicide, it was Murder, ordered by Sean Combs and Kym L. Worthy, he passed 2 days before Cardello-Smith's trial was to begin, resulting in Cardello-Smith entering a no-Contest plea.

19. every Document in the Cases Cardello-Smith Filed against Sean Combs, is Real, accurate and True, as that I have the same copies of those documents and I have have had the documents for many years, and Kym Worthy has them too.

20. Mr. Combs used Kym Worthy, who used Detroit Police Officer Patrick Jackman and another Detroit Police Officer, to work with 2 Los Angeles Police Officers to Execute Mr. Tupac Shakur and Mr. Marion Knight on Direct Orders of Mr. Sean Combs. This is all proven by Documents contained in the Case of Derrick Lee Cardello-Smith v. Sean Combs, Case # 24-12647 U.S. District Court Eastern District of Michigan, and the companion case of Cardello-Smith v. Sean Combs, Kym L. Worthy et al, case No 24-12737 U.S. District Court Eastern District of Michigan. I state that these documents are TRUE and REAL and NOT FORGED and Cardello-Smith Stands by them, and So do I because I have the exact same copies of those documents and Kym Worthy does as well.

21. The office of the Wayne County Prosecutor has Destroyed all Homicide files beginning in 1995 through 2003, and this was done to hide the Homicide Derrick Lee Cardello-Smith Originally Committed in Self-Defense and to Frame Cardello-Smith for said crimes he is in fact innocent of.

22. I currently have Video footage of Cardello-Smith defending himself in the parking lot in 1997, I have Video of Cardello-Smith being framed for Multiple rapes at the Direction of Mr. Sean Combs and Ms. Kym L. Worthy.

23. I have Video of Mr. Sean Combs rape victims being coerced and forced to testify falsely that Cardello-Smith committed horrific acts of Rape against them, when it was actually Sean Combs Raping them and beating them and forcing them to do it, along with other Wayne County Officials and Members of Law Enforcement.

24. i have Documents that Support all of Mr. Cardello-Smiths Claims that he was Threatened by Sean Combs that if he went through with the Sexual Assault Charges on Combs, that Cardello-Smith's family and friends lives would be threatened..

25. Mr. Cardello-Smith submitted a Report from William Proctor in 2024 that since the Hitman Vincent Smothers had killed many people and Kym Worthy provide Mr. Smothers with a 'Sweetheart of a Deal' and in exchange for his assistance with Murders on Sean Combs Orders, our office honored that deal.

26. Mr. Cardello-Smith did not commit any rapes and all the evidence that was to be presented at trials, was in fact manufactured, false and simply did not exist, and it was all done at the orders of Kym L. Worthy and Sean Combs, to get revenge upon a Former Bad Boy member, derrick Lee Cardello-Smith.

27. I acted Contrary to Laws and every Ethical Rule and I violated Mr. Cardello-Smith's Due Process rights every step of the way.

28. I paid Bridget Mary Hathaway a total of 10,000.00 in March 2024 to deny any of Cardello-Smith's Motions or Successive motions for relief from Judgment of Sentence. I told her that Kym L. Worthy had said that Cardello-Smith has an Affidavit from Tina Bonmarito that he is using to get the 'factual Basis of his Plea" withdrawn and I asked her to Ignore this Evidence in the denial, and she did, and it was done because Sean Combs Ordered it to be done and Kym Worthy

ordered it to be done.

29. On January 29, 2025 Judge Bridget M. Hathaway issued an order denying Mr. Cardello-Smith's Successive Motion for relief from Judgement and did not address the recantation of Tina Sommarito as she was paid to not address.

30. Judge Bridget M. Hathaway is also overseeing the Case of Carli Carpenter in People of the State of Michigan v. Derrick Lee Cardello-Smith 2019-000756-01-FC and she has been paid to issue another decision on that case that will completely avoid any of the recantations of Carli Carpenter who lied and was paid to lie by Patricia Ferman and I that Cardello-Smith raped her.

31. Judge Bridget M. Hathaway has completely earned her money by entering decisions against Cardello-Smith that shows that she will not allow the recantation Affidavits to be placed on the Court Record because to do so, would mean that she has accepted Bribes to deny relief to an innocent man.

32. The Office of the Wayne County Prosecutor, under Kym L. Worthy and the Office of the Wayne County Circuit Court, under Judges Daniel Ryan, Thomas Cameron and Bridget M. Hathaway are directly working for Sean John Combs, a/k/a/ P. Diddy and I am a direct employee of Sean "Diddy" Combs. and I framed Cardello-Smith for rapes he did not do, by using Victims of Sean Combs to Frame Cardello-Smith, and it was all done for the sole purpose of keeping Cardello-Smith in Prison and not allowing him to be able to get a hold of his money that he is entitled to.

33. Mr. Sean Combs and Kym L. Worthy's reach extends to Other Law offices, Lawyers, Prosecutors, Law Enforcement, State Judges, State Appeals Judges, Federal Judges, at the Trial and Appellate Level, and it is a reach that I am now sick and tired of having leading me, which has led me to this release of the truth.

34. I work directly for Sean Combs and Kym Worthy does too, and I framed Cardello-Smith #267009 and Kym Worthy framed Cardello-Smith. Numerous Michigan Judges in every level of court has been paid in some way or another to deny Cardello-Smith his release from custody, because "We wanted Cardello-Smith to look like a Serial Sexual Offender" and he is not, but we succeeded in it, and it was wrong, the man is innocent and I am guilty of Framing him and So are my Bosses, Kym Worthy and Sean Combs.

Any person who says that this is False, or that this is not a Legally Binding Statement is Lying themselves, it is made in my Official Capacity while I am still an employee of the Wayne County Prosecutors Office and As a Citizen in my Individual Capacity that was bribed and did bribe to frame an innocent man, Cardello-Smith on orders of Kym L. Worthy and Sean Combs.

I will attest to these facts because they are true and real and what has happened to Cardello-Smith is a Tragedy and a Miscarriage of Justice and his No Contest Plea should be Withdrawn and this Matter allowed to go to Jury Trial or the Charges against him Dismissed in their entirety.

I framed Cardello-Smith for the worst crimes imaginable and he is innocent and I acted on orders of Sean Combs to do this because of Cardello-Smith's inside knowledge as to how Bad boy Records was built, how Sean Combs operates and who he is man, Cardello-Smith is a Good Man and Sean Combs is a Bad Boy, I acted against the Law, and hide behind my immunity and protections afforded me by Kym Worthy. This is Wrong and it must be corrected.

The Office of the Wayne County Prosecutor will deny this, But I will not deny it, I am Guilty, Sean Combs is Guilty, Kym Worthy is guilty, the Detroit Police Department is Guilty, Officer David Cobb is guilty, Tina somarrito is guilty, Carli Carpenter is Guilty, Andrea Sommarito is guilty, and the only person who is innocent of anything criminal is Cardello-Smith MDCC #267009.

I state that I am a direct employee of Sean Combs and while I am in my office, I framed Derrick Lee Cardello-Smith and other men who I prosecuted, and I did so on the orders of Sean Combs, and it was to Hide 2 things--1, Sean Combs Sexual Assault of Derrick Lee Cardello-Smith and, 2, To Stop Cardello-Smith from Collecting on his Rightful entitled to the Contractual Agreement Reached between himself and Sean Combs for \$150,000.00 (One Hundred-Fifty Thousand Dollars) in exchange for 49% (Forty-Nine Percent) of All of the Holdings of Sean Combs, and it was also to hide and cover up the facts that Tupac Shakur was Murdered on Orders of Sean Combs and Kym L. Worthy helped to effect said Murders and, also the Attempted Murder of Suge Knight in 1996, and to cover up multiple crimes that our office and Sean Combs is a part of and All to Keep Cardello-Smith #267009 Silent as an Original Member and Investor of bad Boy Records and Cardello-Smith's Personal Insight into Sean Combs and his empire.

DECLARATION

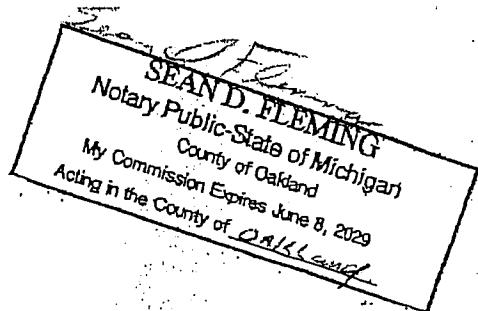
I swear and declare under the penalty of perjury that the above events described herein are true, real, accurate and based on my own, personal knowledge, information and belief and anything contrary to these events are in fact they themselves false as that I make them freely, truly and knowing that I am subject to perjury, the events happened and I will testify to that in State or Federal Court if called upon to do so, voluntarily or by subpoena.

Suzette Samuels P51796

Suzette Samuels P51796  
Assistant Wayne County Prosecutor  
Wayne County Prosecutor's Office  
Detroit Justice Center  
5300-09 Russell Street  
Detroit, MI 48226

Dated: February 10, 2025

Sean D. Fleming  
Signature of notary Public

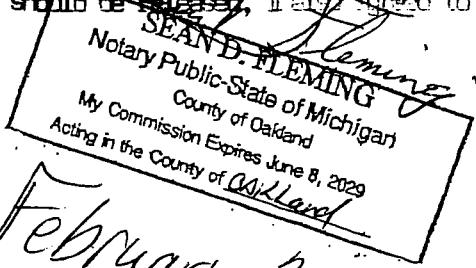


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State of Michigan)  
)ss  
County of Oakland)

AFFIDAVIT OF ANDREA BOMMARITO

1. My name is Andrea Bommarito.
2. I work for Sean Combs also known as P. Diddy, Puff Daddy.
3. I work for Kym L. Worthy, Chief Wayne County Prosecutor.
4. I work for Suzette Samuels, assistant Wayne County Prosecutor.
5. I was paid \$10,000.00 between the times of October 1, 2007 and June 25, 2008 to Say that Derrick Lee Cardello-Smith Kidnapped me, Sexually Assaulted me, and beat me.
6. I testified falsely under oath that these events happened, when I was on the stand in the 36th District Court for the City of Detroit and that testimony was used in the Wayne County Circuit Court to falsely convicted Derrick Lee Cardello-Smith.
7. Derrick Lee Cardello-Smith did not kidnap and did not rape me or my Sister Tina Bommarito, this was all a lie, and I was paid to say it happen on the orders of David Cobb, sgt. of the Detroit Police Department.
8. I attempted to have Wayne County Prosecutor Kym L. Worthy, Ass't Prosecutor Suzette Samuels and told them I lied and they said that they would get me for "Filing a False Police Report." as well as My Sister, and they would lose their winning streak. I said, So what".
9. Having Seen that the Courts require me to recant in order to get the truth told, then I state that I am recanting because I participated in a Conspiracy with my Sister, and many other people to Frame an Innocent man, Named Derrick Lee Cardello-Smith, and It is wrong for me to have to have this, and I understand that I could be charged with filing a false police report, but so be it, for the truth, i will do it, I lied under oath in the case of People of the State of Michigan v. Derrick Lee Cardello-Smith case # 2008-008639-01-FC, Third Judicial Circuit Court, Wayne County, michigan.
10. Derrick Lee Cardello-Smith did not abduct me, did not rape me, did not abduct my sister Tina Bommarito, did not rape my Sister Tina Bommarito, and I was paid to lie by Sgt. David Cobb of the Detroit Police Department, and I will testify to these facts in an open court of law be it civil or criminal.
11. Release Mr. Derrick Lee Cardello-Smith #267009 from Prison because he is innocent and did not rape me or rape anyone, I lied and that is the facts of the case, because I was paid and forced to lie, No one has promised me anything or paid me to say this, it is the truth, and my lie has an innocent man incarcerated and he should be released, I also agreed to testify to have criminal charges on me dropped.



*Ximella Bommarito*  
Mrs. Andrea Bommarito  
13157 Rosedale Street  
Southgate, MI 48195  
Tel (586)-754-8959  
A. Bommarito @ G.Mail

February 29, 2025  
County of OAKLAND

Mr. Derrick Lee Cardello-Smith  
#267009  
Ionia Bellamy Creek Correctional Facility  
1727 W Bluewater Highway  
Ionia, MI 48846

March 13. 2025

Office of the Clerk  
United States District Court  
Theodore Levin US Courthouse  
231 W Lafayette Blvd  
Detroit, MI 48226

Re: Derrick Lee Cardello-Smith vs. Sean Combs  
Case No 24-12647

Dear Clerk:

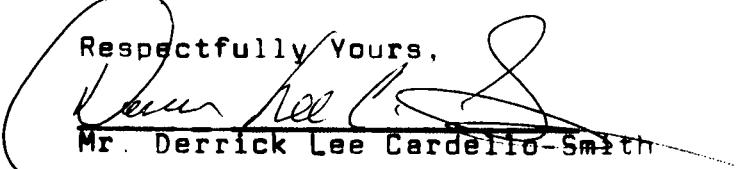
Enclosed for filing in the above cause the following documents:

1. PLAINTIFFS RULE 60b MOTION BASEDON FRAUDULENT CONCEALMENT BY DEFENDANT AND HIS ASSOCIATES.
3. OFFERS OF PROOF--AFFIDAVITS OF ANDREA BOMMARITO, SUZETTE SAMUELS AND NICOLE RABIOR, AND TRANSFER ORDER ORDER OF THE MDOC.

PROOF OF SERVICE

Thank you for your assistance in this matter.

Respectfully Yours,

  
Mr. Derrick Lee Cardello-Smith

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DERRICK LEE CARDLELL-SMITH,

Plaintiff,

Case No 24-12647

Vs

Hon. Judith E. Levy  
United States District Judge

SEAN COMBS, a/k/a/ P. Diddy,

Defendant,

PROOF OF SERVICE

I hereby swear and declare that I mailed one copy of these pleadings to the Defendants Attorney of Record to their address of record by 1st Class US Mail on March 13 2025.

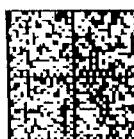


Mr. Derrick Lee Cardell-Smith  
#267009

Plaintiff In Pro Per  
Ionia Bellamy Creek Correctional Facility  
1727 W. Bluewater Highway  
Ionia, MI 48846

U.S. MARSHALS

FIRST-CLASS



US POSTAGE ATTNEY BOWES  
MAR 19 2025 \$ 002.04<sup>0</sup>  
ZIP 48246 02 7W  
0005038260 MAR 14 2025

Mr. Derrick Lee Cardello-Smith  
#267009  
Ionia Bellamy Creek Correctional Facility  
1727 W. Bluewater Highway  
Ionia, MI 48846

Mailed on March 13, 2025

Case# 24-12647

Office of the Clerk  
United States District Court-Eastern District  
Theodore Levin US Courthouse  
231 W. Lafayette Blvd-Room 564  
Detroit, MI 48226

CLERKS OFFICE  
DETROIT

RECEIVED  
MAR 19 2025  
CLERKS OFFICE  
DETROIT

RECEIVED